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THE BULL

"IN CŒNÂ DOMINI."

PUBLISHED FOR

THE NATIONAL CLUB.

PRICE 6*d.*, OR TWO GUINEAS PER 100.

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THE PAPAL BULL,

"IN CŒNÂ DOMINI,"

Translated into English.

WITH

A SHORT HISTORICAL INTRODUCTION;

AND

EVIDENCE OF ITS PRESENT VALIDITY, AS PART OF THE ROMAN LAW,

AND OF ITS RECOGNITION BY THE ROMISH HIERARCHY IN IRELAND.

"If THAT were in force, scarcely anything would be at rest."
Dr. Doyle's Evidence.

LONDON:
JOHN HATCHARD AND SON, 187, PICCADILLY.
1848.

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*** To remove all possibility of cavil as to the authenticity of the documents quoted in these pages, and to facilitate the labour of those who may be desirous of verifying for themselves the various quotations taken from them, the following list of the works in which they are to be found is subjoined, with their "press mark" in the library of the British Museum placed against them; so that any one, on obtaining admission to the reading room, may, by filling up the library forms with the titles as under, easily procure them for inspection.

484. i. Bullarium Romanum, op. Cherubini, viii. Tom. fol., Luxemb., 1727.

484. g. Bullarium Romanum op. Cocquelines, xiv. Tom. fol., Romæ, 1739—1744.

483. g. Bullarium S. D. N. Benedicti Papæ XIV. iv. Tom. fol., Venetiis, 1778.

1228. i. Bullarii Rom. Continuatio, viii. Tom. fol., Romæ, 1835—1844.

697. e. 6. Bulla In Cœnâ Domini, 4o., ——, 1523. This volume contains three copies, Nos. 9, 12, 15.

517. g. The famous Bull In Cœnâ Domini, 4o., Lond., 1689.

709. k. Reiffenstuel, Jus Canonicum Universum, vi. Tom. fol., Romæ, 1831—1834.

1119. b. Dens, Theologia Moralis, viii. Tom., 12o., Dublin, 1832.

849. h. Bailly, Theologia Moralis, viii. Tom., 12o., Lugdun., 1818.

An edition of Bailly, expressly for the use of Maynooth College, was printed at Dublin in the years 1828 and 1829. That edition is not in the British Museum; but the passages quoted are *verbatim* the same in both the Lyons and the Dublin edition, and to prevent misapprehension, reference has been made to both.

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THE BULL "IN CŒNÂ DOMINI."

CERTAIN questions have recently arisen in the public mind of paramount importance to the welfare, nay, the safety of the British empire. These questions are :—

1. What is the purport of the Bull *Cœnæ Domini?*

2. Has that Bull any force or validity, at this time, generally, and specifically in Ireland ?

To furnish the reader with an answer to these questions is the object for which the following authentic documents and facts are now placed in his hands.

HISTORICAL INTRODUCTION.

The document popularly designated as the Bull *Cœnæ*, or the Bull *In Cœnâ Domini*, derives its name from the practice, which is of great antiquity in the Roman Church, of publishing annually, on Maundy Thursday, the anniversary of the institution of the Lord's Supper, thence called *Dies Cœnæ Domini*, certain sentences of excommunication against the enemies of the Roman See and the Roman Church. The document containing these sentences being in the form of a Papal Bull or Letter Apostolic, is accordingly called the Bull *Cœnæ* or *In Cœnâ*. For the last two centuries and a half it has undergone no change, being republished from time to time by successive Popes without alteration or addition, and adopted into the body of the Roman Canon Law, some of the most important principles of which are contained in it. According to the usual manner of citing Papal Bulls by the initial words, the Bull in its present shape is called the Bull "*Pastoralis Romani Pontificis ;*" but there were other Bulls before it, which, on the same ground as this, viz., their publication on Maundy Thursday, were, in their time, the Bulls *Cœnæ*, or *In Cœnâ*. In fact the Bull *Pastoralis* is the latest edition of a series of Bulls issued at different times, and by different Pontiffs, for

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the excommunication of heretics, for the assertion and maintenance of the Ecclesiastical supremacy of the Roman Pontiff, and for other collateral purposes. The different excommunications which are now thrown together into one Bull, were originally scattered through a variety of Bulls, and by degrees incorporated with the Bull published annually on Maundy Thursday.

In order to obtain a correct idea of the history of the Bull *Cœnæ*, it is necessary to trace it through the different transformations which it has undergone; and for this purpose the authentic collections of Roman Bulls, copies of which are extant in the Library of the British Museum, have been carefully examined. The collections and editions of the same so made use of, are:—

1. The *Magnum Bullarium Romanum*, edited by Cherubini, and printed, in eight folio volumes, at Luxembourg, anno 1727.
2. The *Bullarium Romanum*, edited by Cocquelines, printed in fourteen folio volumes, at Rome, in the years 1739—1744.
3. The *Bullarium* of Pope Benedict XIV., printed, in four folio volumes, at Venice, anno 1778.
4. The continuation of the *Bullarium Romanum*, by Barbéri, of which eight folio volumes, printed at Rome in the years 1835—1844, are accessible to the public in the Library of the British Museum.

These are the sources from which the following statements are drawn, and by which they can be verified.

The first trace of the Bull *Cœnæ*, discoverable in the *Bullarium*, is the Bull *Fuit olim*, which was published on Maundy Thursday, 1299, in the fifth year of the Pontificate of Boniface VIII. Its denunciations, answering to § 7 and § 1 of the Bull *Pastoralis*, are directed against those who shall supply the Saracens with arms, ammunition, and provisions; and against heretics, for whose discovery, and the extermination of "heretical pravity," it gives stringent directions to the Inquisition. The same Pope published, four years after, on Maundy Thursday, 1303, another Bull, commencing with the words, "*Excommunicamus et anathematizamus*," which answers to §§ 9 and 10 of the Bull *Cœnæ*, being directed against those who should molest persons travelling to and from Rome. Another and considerably enlarged edition of the Bull "*Excommunicamus*," commencing with the words "*Apostolatus Officium*," was published by Urban V., in the year 1363, in the first year of his Pontificate. Of the additional clauses of this Bull some refer to pirates; to the imposition of new tolls; to the supply of arms &c. to Saracens; to the interception of supplies intended for Rome; others provide for the protection of suitors in the Roman Court, and the inviolability of the Roman territories, answering to §§ 3, 5, 7, 8, 12, and 20, of the Bull *Pastoralis*. It appears, however, that all these provisions had been previously embodied in certain excommunications, *annually* published; for the Bull expressly states that such sentences of excommunication and anathematization were by some Roman Pontiffs, the predecessors of Urban V., published upon certain annual solemnities. Another edition, yet further enlarged, of the Bull *Apostolatus*, commencing, like the second Bull *In Cœnâ* of Boniface VIII., with the words, "*Excommunicamus et anathematizamus*," was published by Gregory

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XI. on Maundy Thursday, 1372, in the second year of his Pontificate. Two additional clauses were introduced into it; one of these was the clause excommunicating the forgers of Letters Apostolic, answering to § 6 of the Bull *Pastoralis;* the other was a clause excommunicating heretics, which answers to § 1 of the Bull *Pastoralis*, and by the insertion of which the Bull *Fuit Olim* was superseded, both its provisions now forming part of the Bull *Excommunicamus.*

This, no doubt, is the form in which it was annually published till the promulgation of the Bull *Consueverunt*, by Julius II., in the year 1511; for no other similar Bull appears in the *Bullarium*, between 1372 and 1511; and that a Bull containing, "among others," a "public excommunication and anathematization" of all who should hinder the prosecution of suits in the Roman Court, "of whatever pre-eminence, dignity, rank, condition, or estate they might be, even though pontifical, *kingly*, or *queenly*," was annually published not only by himself since his accession, but by Innocent VIII., his immediate predecessor, and by other Roman Pontiffs, his predecessors, is distinctly asserted by Alexander VI. in the Bull *In eminenti*, issued by him in the year 1502, the tenth year of his Pontificate.—See § 1 of the Bull *In eminenti*, in *Bullar. Rom. ed Cocquel.* T. iii. p. iii. p. 255. This statement of Alexander VI. cannot apply to any other Bull than the Bull *Excommunicamus* of Gregory XI.; because, while the date of the Bull *Excommunicamus* proves its publication on Maundy Thursday, there is no other Bull extant in which such an excommunication as that recited in the Bull *In eminenti* occurs.

The Bull *Cœnæ*, therefore, as it stood up to the year 1511, in the form of the Bull *Excommunicamus*, differs from its present form in the Bull *Pastoralis* chiefly in this, that it does not contain the clause forbidding appeals to a future Council, § 2; the clause against plunderers of wrecks, § 4; the clause protecting dignitaries of the Roman Church, § 11; the clauses upholding the Jurisdiction of the Roman Court and hierarchy, § § 13—16; and those protecting the rights, properties, and persons of Ecclesiastics, § § 16—19. With these exceptions the Bull *Excommunicamus* of Gregory XI. agrees in substance with the Bull *Pastoralis;* and like the last-named Bull, it also contains a clause *reserving the power of absolution from its censures to the Pope himself.*

In the year 1511, the eighth year of his Pontificate, Julius II. republished the Bull *Excommunicamus*, with a preamble, commencing with the words, "*Consueverunt Romani Pontifices;*" adding, at the same time, a clause for the protection of the dignitaries of the Roman Church, § 11 of the Bull *Pastoralis;* and another clause, containing some of the provisions embraced by §§ 13—19 of the Bull *Pastoralis.* It is in these clauses principally that the different editions of the Bull *Cœnæ*, which were published, under the title "*Consueverunt*," by Julius II., on February 19th, 1511; by Adrian VI., on Maundy Thursday, 1523; by Clement VII., on Maundy Thursday, 1532; by Paul III., on Maundy Thursday, 1536; and by Gregory XIII., on April 4th, 1583, differ from each other. That published by Paul III. contains the greater part of the provisions in question; and that published by Gregory XIII. carries the Roman claims to privilege

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and supremacy to the full extent of the Bull *Pastoralis*, as it now stands. The Bull of Gregory XIII. also contains the clause against appeals from the Pope to a future Council, and the clause against plunderers of wrecks; and is, in fact, substantially the same with the Bull *Pastoralis*, except that it retains the old preamble, "*Consueverunt*," *&c.*

This preamble is changed in the next edition of the Bull *Cœnæ*, extant in the Library of the British Museum. That edition is not given in the *Bullarium*, but is a detached Bull, published by Clement VIII., on Maundy Thursday, 1593; and it agrees, with the exception of a few trifling verbal alterations, with all the subsequent editions of the Bull *Pastoralis*.

It should be observed, however, that the provisions which were successively introduced into the Bull *Cœnæ*, were not new provisions at the time of their introduction into it, the same matters having been previously made the subject of separate Bulls. Thus, the prohibition of appeals to a future Council, § 2 of the Bull *Pastoralis*, was issued as early as the year 1459, by Pius II., in the Bull *Execrabilis*, and repeated in 1509, by Julius II., in the Bull *Suspecti Regiminis;* the sentence against plunderers of wrecks was promulgated in 1509, by Julius II., in the Bull *Pontifex Romanus Pacis*, and renewed in 1566, by Pius V., in the Bull *Cum Nobis ex parte;* although both these provisions were not incorporated with the Bull *Cœnæ* till 1583, by Gregory XIII. As regards the different points touching ecclesiastical immunities, the exempt jurisdiction of Ecclesiastical Courts, and the supreme jurisdiction of the Roman Court, which are embodied in §§ 13—19 of the Bull *Pastoralis*, numerous enactments were issued by the Roman Pontiffs, by Bull and otherwise, during the progress of their usurpation. The principal Bulls bearing upon these points, the substance of which was ultimately incorporated with the Bull *Cœnæ*, are the following:—1383, Urban VI., Bull *Quia Sicut*. 1418, Martin V., Bull *Quod Antidota*. 1428, Martin V., Bull *Ad Reprimendas*. 1491, Innocent VIII., Bull *Officii Nostri*. 1515, Leo X., Bull *Regimini Universalis*. 1519, Leo X., Bull *In Supremo*. 1533, Clement VII., Bull *Romanus Pontifex*. 1574, Gregory XIII., Bull *Ad Romani Pontificis*.

Thus it appears, that the Bull *Cœnæ* is, in fact, a collection of all that was deemed most important for the advancement and maintenance of the power of the Papacy; as its pretensions increased, so the Bull *Cœnæ*, or form of excommunication, annually republished, of all that ventured to oppose the extravagant claims of the Roman See, grew more and more bulky, till at last it assumed the form in which it has now continued for two centuries and a-half; being, to use the expression of a Roman canonist, "the chiefest and firmest pillar" of Papal usurpation.

The authentic collections of Cherubini and Cocquelines, on a careful review and collation of which the foregoing history of the Bull *Cœnæ* is founded, do not, however, contain the Bull as often as it has been re-issued by successive popes. Cherubini (Tom. iii. p. 281) expressly states, that he intentionally omitted many editions of it, resting content with the insertion of those in which

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there were any changes introduced: and Cocquelines notes at the head of those inserted by him, from time to time, editions of the Bull which he also has omitted from his collection. Besides those in the Bullaria, the Library of the British Museum contains, in a volume of tracts, catalogued under the head "*Bullæ Papales*," three editions of the Bull *Cœnæ*, viz., those of Adrian VI., Clement VII., and Clement VIII. In order to bring the matters stated above under one view, for the sake of greater clearness, and to enable the reader to test the accuracy of the statements here made, a table of the Bull in its different forms is subjoined, giving the names of the Popes, the years of publication, and references to the works in which the Bulls are to be found in the Library of the British Museum:—

Years.	Pope.	Heading of Bull.	Where to be found.	
1299	Boniface VIII.	*Fuit Olim*.....	*Bullar. Cocq.* ..	Tom. III. part ii. p. 92.
1303	Boniface VIII.	*Excommunicamus*	*ib.* ..	Tom. III. part ii. p. 96.
1363	Urban V.	*Apostolatus*	*ib.* ..	Tom. III. part ii. p. 325.
1372	Gregory XI.	*Excommunicamus*	*ib.* ..	Tom. III. part ii. p. 338.
1511	Julius II.	*Consueverunt*....	*ib.* ..	Tom. III. part iii. p. 319.
1523	Adrian VI.	..	*British Museum* .	697. e. 6. No. 9.
1532	Clement VII.	..	*ib.* ..	697. e. 6. No. 12.
1536	Paul III.	..	*Bullar. Cocq.* ..	Tom. IV. part i. p. 140.
1583	Gregory XIII.	..	*ib.* ..	Tom. IV. part iv. p. 27.
1593	Clement VIII.	*Pastoralis*	*British Museum*..	697. e. 6. No. 15.
1610	Paul V.*	..	*Bullar. Cocq.* ..	Tom. V. part iii. p. 393.
1627	Urban VIII.	..	*ib.* ..	Tom. VI. part i. p. 38.
1656	Alexander VII.	..	*ib.* ..	Tom. VI. part iv. p. 94.
1668	Clement IX.	..	*ib.* ..	Tom. VI. part vi. p. 244.
1671	Clement X.	..	*ib.* ..	Tom. VII. p. 95.
1701	Clement XI.	..	*ib.* ..	Tom. X. p. 12.
1722	Innocent XIII.	..	*ib.* ..	Tom. XI. p. 236.
1725	Benedict XIII.	..	*ib.* ..	Tom. XI. p 385.
1731	Clement XII.	..	*ib.* ..	Tom. XIII. p. 174.
1741	Benedict XIV.	..	*Bullar. Bened.* XIV.	Tom. I. p. 15.
1759	Clement XIII. †	..	*Bullar. Contin.*	Tom. I. p. 116.

In spite of the opposition which the Bull *Pastoralis*, or *In Cœnâ Domini*, met with, at the hands of even the Roman Catholic Governments of Europe, the custom of publishing it annually on Maundy Thursday, by affixing it to the gates of the churches of St. John of Lateran and of St. Peter at Rome, continued, without interruption, to the pontificate of Ganganelli, who on his elevation took the name of Clement XIV. His election having been carried, as has been recently shown from authentic documents by Mr. Crétineau Joly, the historiographer of the Jesuits, by the intrigues and the bribery of the principal courts of Papal Europe, themselves at the time under the influence of the infidel principles which led to the French revolution, Pope Ganganelli shaped his policy in accordance with the wishes of those courts; and, among

* This edition of the Bull was translated into English at the ominous period of 1689, and published in London, under the title "The famous Bull *In Cœnâ Domini*."

† The Bull is once more introduced under the date of May 20, 1764, the sixth year of the Pontificate of Clement XIII., in the *Continuatio Bullarii*, Tom. ii., p. 461, where the text is, however, not given at full length, but reference is made to its previous insertion in Tom. i., p. 116; adding a memorandum of its *annual* publication by Clement XIII., as well as by his predecessors.

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other measures of compliance, the most famous of which was the suppression of the Jesuit Order, he surceased from the annual publication of the Bull *Cœnæ*.

Whether, among other measures adopted by the Papacy on the revival of its former policy, one of the most striking proofs of which is the restoration of the Jesuit Order, the publication of the Bull *Cœnæ* has been resumed, is a question of comparatively small importance; as it will hereafter appear that ***the Bull is in full force at this time, independently of such publication.*** In the "Moral Theology" of Peter Dens, a Roman Catholic standard work, reprinted at Dublin, in the year 1832, under the sanction of Dr. Murray, the Roman Catholic Archbishop, the Bull is, certainly, described as a Bull "***annually*** published in Rome on Maundy Thursday." (See Dens Theol. Mor., vol. vi., p. 298.) And as late as the 6th of December, 1847, the question having been mooted in the House of Lords, Lord Beaumont, a Roman Catholic peer, admitted the fact of the annual publication of the Bull *Cœnæ Domini*.—See *Hansard's Parliamentary Debates*, vol. xcv., pp. 674, 675.

The following translation of the Bull (as the Bull has stood, almost ***verbatim***, since the time of Clement VIII.), is made from the copy of it, contained in Barbéri's Continuation of the *Bullarium*, Tom. i., p. 116. The passages in Italics are not printed in Italics in the Bull; the object of so marking them is simply to draw the reader's attention to the ***more important*** points. The marginal summaries are taken from the *Bullarium*.

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THE BULL "PASTORALIS ROMANI PONTIFICIS,"

COMMONLY CALLED

THE BULL "CŒNÆ DOMINI," OR "IN CŒNÂ DOMINI."

"**The Pastoral vigilance** and solicitude of the Roman Pontiff is, as, on one hand, assiduously engaged, agreeably to his office, in providing for all peace and quietness in the Christian commonwealth, so on the other hand, and above all, conspicuous in *maintaining and preserving the unity and integrity of the Catholic faith*, without which it is impossible to please God: to this end, that Christ's faithful people may not be children tossed to and fro, nor be carried about with every wind of doctrine, by the sleight of men and cunning craftiness whereby they lie in wait to deceive; but may all come in the unity of the faith and of the knowledge of the Son of God, unto a perfect man; and that they may not harm themselves in the society and fellowship of this life, nor give offence to one another, but rather may increase unto edification, being united together in the bond of charity, as the members of one body under Christ their Head, and His Vicar on earth, the Roman Pontiff, the successor of St. Peter, from whom the unity of the whole Church flows; and that thus, with the help of Divine grace, they may so enjoy quietness in this life, as that hereafter also they may attain unto the enjoyment of blessedness. **For which reasons** the Roman Pontiffs, Our predecessors, have been in *the practice of solemnly wielding* on this day, set apart for the anniversary commemoration of the Lord's Supper, *the spiritual sword of ecclesiastical discipline*, and the salutary weapons of justice, by virtue of the ministry of the Supreme Apostolate, for the glory of God and the salvation of souls. **We, therefore**, who desire nothing more than, with the help of God, to preserve the inviolate integrity of the faith, public peace, and justice, following that ancient and solemn custom,

The Bull opens with the obligation of the Roman Pontiff, to preserve the Catholic faith in its integrity.

"§ 1. **Excommunicate and anathematize**, on behalf of God Almighty, Father, Son, and Holy Ghost, and by the authority of the Blessed Apostles Peter and Paul, and Our own, all Hussites, Wickliffites, Lutherans, Zwinglians, Calvinists, Hugue-

Excommunicates heretics, of whatever sect, and their abettors, as well as those who read and print their books; and lastly, schismatics.

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nots, Anabaptists, Trinitarians, and all Apostates from the Christian faith, and, all and singular, *all other Heretics, by whatever name they may be called, and of whatever sect they may be;* and all that believe, harbour, or abet them, and generally all their protectors; and further, those who, without Our authority and that of the Apostolic See, knowingly, for any cause whatever, publicly or secretly, upon whatever plea or pretext, *read or keep, print or defend, their books containing heresy or treating of religion;* likewise schismatics, and those who *pertinaciously withdraw themselves, or desert, from obedience to Us and to the Roman Pontiff for the time being.*

Further, all persons and universities which appeal to a future Council.

"§ 2. Further, We excommunicate and anathematize, all and singular *persons*, of whatever estate, degree, or condition they may be, and lay under interdict all *Universities*, *Colleges*, and *Chapters*, by whatever name they may be called, which *appeal from Our orders or decrees, and those of the Roman Pontiffs for the time being, to a future General Council;* as well as those by whose aid, counsel, or patronage such appeal shall be made.

Likewise pirates, corsairs, and maritime freebooters.

"§ 3. Further, We excommunicate and anathematize all pirates, corsairs, and maritime freebooters, cruising in Our sea, especially between Cape Argental and Terracina, and all that abet, harbour, or protect them.

Likewise those who seize the chattels of shipwrecked parties in whatever region.

"§ 4. Further, We excommunicate and anathematize all and singular those who shall seize the chattels, of whatever kind, of any Christians whatever, whose ships shall by stress of weather, either have been driven out of their course, or wrecked in any other way, either in the ships themselves, or such as have been cast overboard, or shall be found on the shore, both in Our own regions and shores of the Tuscan and the Adriatic Seas, and in all the other regions and shores of any sea whatever; and that, without admitting any excuse on the ground of any privilege, custom, or possession, of however long standing, though it were from time immemorial, or of any other plea whatever.

Those who impose new tolls and gabels, without the license of the Apostolic See.

"§ 5. Further, We excommunicate and anathematize all who impose in their territories new tolls or gabels, or augment the same, or exact such as are unlawfully imposed or augmented, except in cases permitted to them by the law, or by a special license from the Apostolic See.

Forgers of Apostolic Letters and Petitions, as well as utterers of forged Apostolic Letters.

"§ 6. Further, We excommunicate and anathematize all forgers of Apostolic Letters, even in the form of Briefs, and of Petitions touching any matter of grace or justice, signed by the Roman Pontiff, or by the Vice-Chancellors of the Holy Roman Church, or their deputies, or by command of the said Roman Pontiff; as

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likewise those who shall utter forged Apostolic Letters, even in the form of Briefs; and those who shall to such Petitions forge the name of the Roman Pontiff, or of the Vice-Chancellor, or of their deputies.

"§ 7. Further, We excommunicate and anathematize all those *who supply or convey* to Saracens, Turks, and other enemies and foes of the Christian name, or *to heretics expressly and by name declared to be such by Our sentence, or that of this Holy See*, horses, arms, iron, ironwire, tin, steel, and every other kind of metal, and war-engines, timber, hemp, ropes, whether hempen or of any other material, and that material itself, and other like *articles with which they make war upon* Christians and *Catholics*; and likewise those who by themselves or others *give information of matters affecting the state of the Christian Commonwealth*, to Turks and enemies of the Christian religion, to the ruin and hurt of Christians, or else *to heretics, to the prejudice of the Catholic religion*, and who in any way whatever aid, counsel, or abet them to that end; any privileges whatsoever notwithstanding, which may heretofore have been granted by Us and the aforesaid See, to any persons, princes, or states whatever, wherein express mention is not made of such a prohibition.

Those who supply the enemies of the Christian name with arms or aid.

"§ 8. Further, We excommunicate and anathematize all persons obstructing or assailing those who convey victuals or other necessaries for the use of the Roman Court; and all persons preventing, obstructing, or interrupting, such conveyance or transmission to the Roman Court; or giving protection, by themselves or others, to those who do so, of whatever rank, pre-eminence, condition, and estate they may be, though it were Pontifical or Regal, or with whatever other dignity, ecclesiastical, or temporal, they may be invested.

Those who obstruct the conveyance of victuals and other supplies for the use of the Roman Court.

"§ 9. Further, We excommunicate and anathematize all those who, by themselves, or by means of others, kill, maim, rob, arrest, or detain persons coming to, or returning from, the Apostolic See; and likewise all those who not having any jurisdiction, either ordinary or delegated by Us, or by Our judges, venture audaciously to arrogate such jurisdiction to themselves, and to be guilty of such conduct towards those who sojourn at the same Court.

Those who persecute persons coming to the Apostolic See, or sojourning at the Roman Court.

"§ 10. Further, We excommunicate and anathematize all who kill, maim, wound, detain, arrest, or despoil, travellers or pilgrims, proceeding to Rome, and tarrying at Rome, or returning thence, for cause of devotion or pilgrimage; and all who aid, counsel, or abet the like.

Also those who in any way molest pilgrims coming to Rome for cause of devotion.

"§ 11. Further, We excommunicate and anathematize all who kill, maim, wound, smite, arrest, imprison, detain, or treat with hostility,

Further, those who treat with hostility Cardinals of the Holy Roman Church, or

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Cardinals of the Holy Roman Church, Patriarchs, Archbishops, Bishops, Legates, or Nuncios of the Apostolic See, *or expel them from their dioceses, territories, lands, or dominions;* as well as *all who command,* or approve, or else aid, counsel, or abet the like.

other eminent Ecclesiastics.

"§ 12. **Further, We excommunicate and anathematize** all those, who by themselves or others, kill any ecclesiastic or secular persons whatever, *having recourse,* for their own causes and affairs, *to the Roman Court, and prosecuting the same, or procuring them to be prosecuted, in the said Court,* and Advocates, Proctors, or Agents transacting such business, or else Auditors, or Judges appointed over such causes or affairs, or who in any way whatever smite them, or despoil them of their goods, on account of such causes or affairs; **and those who** are not afraid by themselves or others, directly or indirectly, to commit, execute, or procure, or to aid, counsel, or abet, such crimes, *of whatever pre-eminence or dignity they may be.*

Those who injure persons having recourse to the Roman Court in matters of business, and all pleaders of causes.

"§ 13. **Further, We excommunicate and anathematize** all persons, ecclesiastic as well as secular, *of whatever dignity they may be,* who, under the frivolous pretext of appealing against some oppression, or future execution, of Letters Apostolic, though in the form of a Brief, whether touching a matter of grace or of justice, or of citations, inhibitions, sequestrations, monitions, processes, executorials, and other decrees issued, and which, from time to time, shall be issued, by Us, and the See aforesaid, or the Legates, Nuncios, Presidents of Our Palace, and Auditors of the Apostolic Chamber, Apostolic Commissaries, and other Judges and Delegates, or otherwise, *have recourse to secular Courts and to the lay power,* and cause such appeals to be admitted, and the letters, citations, inhibitions, sequestrations, monitions, and other like processes to be seized and detained by the lay power, *even though at the instance of the Fiscal Procurator or Advocate;* **and those who** *obstruct or prohibit their being put in execution simply and without their good pleasure, consent or examination; or the drawing out,* by scriveners and notaries, *or, being drawn out, the service upon the parties concerned, of instruments or documents for the execution of such letters and processes;* and by themselves or others, publicly or secretly, arrest, smite, wound, imprison, detain, *expel from their cities, places, and kingdoms,* despoil of their goods, terrify, harass, and threaten, *the parties or their agents,* their kinsmen, connexions, and friends, or *notaries and persons charged* in chief or by delegation *with the execution of the letters,*

Those who appeal to the secular power against the oppression or future execution of Letters Apostolic.

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citations, monitions, and other processes aforesaid; **and those who** otherwise presume, directly or indirectly, to *prohibit, enjoin, or command any persons whatever,* generally or specifically, *that they shall not come or have recourse to the Roman Court for the prosecution of any affairs of theirs whatsoever,* or for the obtaining of indulgences and letters, or that they shall not obtain such indulgences and letters from the See aforesaid, or that having obtained them they shall not use them; or else who presume to detain such indulgences or letters in their own hands, or in the hands of notaries or scriveners, or in any other way whatsoever.

"§ 14. **Further, We excommunicate and anathematize** all persons whatsoever, who by themselves or others, on their own authority and *de facto,* under pretence of any exemptions or other indulgences and Letters Apostolic whatsoever, *remove causes touching benefices and tithes, and other spiritual causes, or causes annexed to the spiritual, from Our Auditors, Commissaries, and other Ecclesiastical Judges;* or *obstruct their course and hearing,* and the persons, Chapters, Convents or Colleges, wishing to prosecute such causes, or *interfere judicially in the cognisance of them;* **or who** by decree, or otherwise, compel the plaintiffs who have set and are setting such causes in motion, to revoke, or cause to be revoked, citations, or inhibitions, or other letters therein decreed; and by their act or consent to cause those against whom such inhibitions have been issued, to be absolved from the censures and penalties therein contained; **or who** *in any way whatever obstruct the execution of the Letters Apostolic,* or executorials, processes and decrees aforesaid, or abet, counsel, or assent to, their being obstructed; even though it be under pretence of preventing violence, or under any other pretext, or even on the plea of presenting, or causing to be presented, Petitions for Our information, as it is called, except such Petitions shall be lawfully prosecuted before Ourselves and the Apostolic See; **and that, although** those who commit the like, should be *Presidents of Chanceries, of Councils, or of Parliaments, Chancellors, Vice-Chancellors, Councillors, ordinary or extraordinary, of any secular Princes whatever, even though they should be invested with Imperial, Regal, Ducal, or any other dignity whatsoever;* or although they should be Archbishops, Bishops, Abbots, Commendataries, or Vicars.

Those who audaciously remove causes touching benefices and spiritual matters from the delegates of the Apostolic See, and other ecclesiastical judges.

Those who obstruct the execution of Letters Apostolic, and of other processes of the judges aforesaid.

"§ 15. **And those who** by virtue of *a pretended office,* or upon the instance of any party, or of any other persons whatsoever, shall, directly or indirectly,

Secular judges who draw ecclesiastic persons before their tribunals.

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and under whatever pretence, *draw, or cause, or procure to be drawn, Ecclesiastic Persons, Chapters, Convents or Colleges of any Churches whatsoever, before their Tribunal, Audience, Chancery, Council, or Parliament,* contrary to the provisions of the Canon Law; **and likewise those** who shall for any cause whatever, and under any pretence whatever, though it be on the plea of any custom or privilege whatever, or in any other manner whatsoever, *make, ordain, and promulgate,* or, being made and ordained, shall *put in ure, statutes, ordinances, constitutions,* pragmatics, or any other decrees whatever, general or special, *by which the ecclesiastic liberty is taken away, or in any degree injured or depressed, or in any other way whatever restrained, or by which Our rights and the rights of the See aforesaid and of any Churches whatsoever, are in any way, directly or indirectly, tacitly or expressly, infringed.*

Those who promulgate or put in ure ordinances and pragmatics prejudicial to the ecclesiastical liberty.

"§ 16. **And likewise those** who in any way whatever, on this account, directly or indirectly, by imprisoning or molesting their agents, proctors, friends, or kinsmen and connexions, or by any other means, *obstruct Archbishops, Bishops,* and other superior and inferior Prelates, and all other ordinary Ecclesiastical Judges whatsoever, *in the exercise of their ecclesiastical jurisdiction against any persons whatsoever,* according to the provisions of the Canons and Sacred Ecclesiastical Constitutions, and of the Decrees of General Councils and *especially of the Council of Trent;* **and also those** who after Sentences, and Decrees pronounced by the Ordinaries themselves, or by any Delegates of theirs whatsoever, or otherwise, evading the judgment of the Ecclesiastical Tribunal, *have recourse to secular Chanceries and other Courts, and procure prohibitions and mandates, even of a penal nature, to be decreed and executed against the aforesaid Ordinaries or their Delegates;* **those also** *who make or execute such decrees,* or aid, counsel, patronise and abet the same.

Those who obstruct the prelates of the Churches and other Ecclesiastical Judges in the exercise of their jurisdiction.

Those who have recourse to secular Courts in order to evade the judgments of the Ecclesiastical Tribunal; and those who render assistance in this matter.

"§ 17. **And those who** *usurp,* or upon any occasion or cause whatever, without the express license of the Roman Pontiff, or of others having lawful power thereunto, sequester *jurisdictions,* or *fruits, incomes, and revenues belonging* to Us and to the Apostolic See, or *to any Ecclesiastic persons whatsoever, on account of churches, monasteries, and other ecclesiastical benefices.*

Those who usurp and sequester the revenues of properties belonging to the Holy See and to the Churches.

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"§ 18. **And those who,** *without* such special and express *License of the Roman Pontiff, impose,* and by various, even surreptitious methods, *demand, or,* being so imposed, *receive, even from those who willingly give and yield them, contributions, tithes, taxes, subsidies, and other charges upon Clerks, Prelates, and other Ecclesiastic Persons, and upon their goods,* or the goods of churches, monasteries, and other ecclesiastical benefices, or upon their fruits, incomes, and revenues, of this kind. **And likewise those** who are not afraid to do, execute, or procure the things aforesaid, by themselves or others, directly or indirectly, or to aid, counsel, or abet the same, *of whatever pre-eminence, dignity, rank, condition, or estate they may be, even though they be invested with Imperial or Regal dignity;* or else be Princes, Dukes, Counts, Barons, and other potentates whatsoever, *though ruling in any way whatever over kingdoms, provinces, cities, and territories, Councillors, and Senators,* or persons invested with any dignity whatever, even with Pontifical dignity: **and we hereby confirm** the decrees promulgated on these subjects by the sacred Canons, both in the Lateran Council last held, and in other General Councils; with the censures and penalties therein contained.

Those who impose contributions and other charges upon Ecclesiastic persons and their goods, and those who aid and abet them.

"§ 19. **Further, We excommunicate and anathematize** all and sundry *Magistrates and Judges,* Notaries, Writers, Officers, Sub-officers, who in any way whatever *interfere in capital or criminal causes against Ecclesiastic persons,* by serving them with process, summoning or arresting them, or pronouncing or executing sentences against them, *without the special, specific, and express license of this Holy Apostolic See;* **and those who** stretch such license to persons and cases not expressed therein, or otherwise wrongfully abuse the same; **even though** they who commit the like, should be *Councillors, Senators, Presidents, Chancellors, Vice-Chancellors,* or by whatever other name they may be called.

Secular judges who interfere in criminal causes against ecclesiastic persons.

"§ 20. **Further, We excommunicate and anathematize** all those who shall by themselves or others, directly or indirectly, under whatever title or pretext, presume to invade, destroy, occupy and detain, wholly or in part, the City of Rome, the Kingdom of Sicily, the islands of Sardinia and Corsica, the territories on this side of Lesina, the patrimony of St. Peter in Tuscany, the Duchy of Spoleto, the Counties of Venaissin, and Sabina, the March of Ancona, Massa Trebaria, Romagna, Campagna, and the maritime provinces and their territories and places, and the territories under special commission of the

Those who occupy the City of Rome, and other cities, provinces and places belonging to the Roman Church, and usurp her jurisdiction.

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Arnulfi, and our cities of Bologna, Cesena, Rimini, Benevento, Perugia, Avignon, Città di Castello, Todi, Ferrara, Comachio, and other cities, territories and places, or rights, belonging to the Roman Church, and mediately or immediately subject to the said Roman Church; **and likewise those** who presume to usurp *de facto*, to disturb, to retain, or in various ways to trouble, the supreme jurisdiction, belonging in them to Us and to the said Roman Church; and likewise their adherents, patrons, and protectors, or those who aid, counsel or abet them in any way whatsoever.

"§ 21. **It being Our will**, that this Our present process, and all and everything contained in this Letter, shall *continue, and be in full force, until another similar process be drawn up or issued by Ourselves, or by the Roman Pontiff for the time being.* **Lastly**, *no one shall be able to obtain absolution from the sentences aforesaid, from any other than the Roman Pontiff*, except *in articulo mortis*, nor then, except *after surety given for obedience to the mandates of the Church, and for satisfaction to be made;* not even upon the plea of any faculties or indulgences whatever, which shall have been granted and confirmed, or shall hereafter be granted and confirmed, generally or specially, by Us and the said See, or by the Decrees of any Council whatever, by word, letter, or any other writing whatever, to any persons whatever, ecclesiastic or secular, or belonging to any Orders whatever, mendicant or military, or to regulars, even though invested with Episcopal or any other higher dignity, and to the Orders themselves, and their monasteries, convents and houses, and to chapters, colleges, fraternities, congregations, hospitals and pious foundations, or to any layman, even though invested with Imperial, Regal, or any other worldly dignity.

Decrees that this Bull is to be in force till it shall be published afresh.

Reserves absolution from the censures pronounced above, to the Roman Pontiff alone.

"§ 22. **And if** it should happen that any should presume, contrary to the tenor of these presents, to bestow the benefit of absolution upon persons so bound by excommunication and anathema, or upon any of them; We do implicate them in the sentence of excommunication, and shall proceed against them with further severity, both spiritually and temporally, as We shall see to be expedient.

Excommunicates those who shall presume to give absolution contrary to the tenor of these presents.

"§ 23. **And we declare and protest**, that *whatever absolution shall be, ever so solemnly, pronounced by Ourselves, shall not comprise, nor be of any avail to, the said excommunicate persons*, comprehended under these presents, except they shall first desist from the premises with true purpose of not committing the like again; nor, as regards *those who shall have enacted statutes as aforesaid against the Eccle-*

The absolution of the Pontiff comprises only those who shall desist from the premises.

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siastical liberty, except they shall first publicly repeal such statutes, ordinances, constitutions, pragmatics, and decrees, *cause them to be destroyed and cancelled from their archives or rolls, the places or books, wherein they be found recorded,* and *give Us notice of such repeal;* **And moreover,** that *such absolution, or whatever other contrary acts, tacit or express, and likewise the patience and toleration of Us, or Our successors, however long continued,* in all and singular, and whatsoever things aforesaid, can or shall in no way *operate to the prejudice of the rights of the Apostolic See and the Holy Roman Church, whencesoever and whensoever those rights may be derived or to be derived.*

"§ 24. **Notwithstanding any privileges,** *indulgences, indults, and letters apostolic, general or special,* granted by the aforesaid See, to the persons aforesaid, or any of them, or to any others, of whatever rank, estate or condition, dignity or pre-eminence they might be, *even though they should,* as aforesaid, *be invested with Pontifical, Imperial, Regal, or any other ecclesiastical or worldly dignity;* or else to their kingdoms, provinces, cities, or places, for any cause whatever, even though in the way of contract or recompense, and under whatever other form and tenor, and with any clauses whatsoever, even such clauses as should derogate the derogating clauses of this Bull; albeit they should be to the effect, that no excommunication, anathema, or interdict, by apostolic letters shall avail against them, except such letters make mention fully, expressly, and word for word, of such privileges and indults, and of their orders, places, proper names, surnames, and dignities: **and notwithstanding any customs,** *though immemorial, and prescriptions, of however long standing, and any other observances of whatever kind, written or unwritten,* by which they might relieve and protect themselves against this our process and judgments, to prevent their being included under them. **All which,** as far as concerns the matter in hand, accounting the contents thereof to be expressed, as if they were inserted word for word, without any omission whatever, in these presents, we wholly abolish and entirely revoke; **and whatever else** to the contrary notwithstanding.

Abrogates whatever is to the contrary.

Even an indult exempting from excommunication, unless such indult be recited.

"§ 25. **And to the end** that this Our present process may the more easily be brought to the fuller knowledge of all, We shall cause papers or parchments containing this process, to be affixed to the doors of the church of St. John of Lateran, and of the Church of the Prince of the Apostles at Rome, in order that they whom such

Decrees that the posting up of these presents in Rome shall have the effect of personal service.

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process concerns, may not be able to plead any excuse or allege any ignorance, on the ground of such process not having reached them, or being unknown to them; since it is not probable that what is so openly published to all, will remain unknown.

"§ 26. **Moreover**, that this present process and letter, and all and singular the contents thereof, may become the better known, by being published in most cities and places, we charge by this writing, and, with strict injunction, on the strength of their holy obedience, *we command all* and singular Patriarchs, Primates, *Archbishops, Bishops, and Ordinaries, and all Prelates wheresoever constituted*, that after they shall have received this letter, or had knowledge of the same, they shall by themselves, or another, or others, *once a-year, or oftener* if they see it expedient, *solemnly publish it in their churches*, while the greater multitude of people shall be assembled in them for divine service, and *bring it home, notify, and declare it to the minds of Christ's faithful people.*

Commands these presents to be annually published by all Prelates in their churches.

"§ 27. **Lastly**, Patriarchs, *Archbishops, Bishops,* and other Ordinaries, and Prelates and Rectors of Churches, *and others having cure of souls, and Priests*, secular and regular of whatever order, *deputed* by whatever authority *to hear confessions of sins*, shall be *bound to have a copy of the present letter by them, and diligently apply themselves to read and understand the same.*

All Prelates and Curates are commanded to have this letter by them.

"§ 28. **It being our will** that all copies, even printed ones, of this letter, being signed by the notary public, and sealed with the seal of the ordinary Judge of the Roman Court, or of any other person invested with an ecclesiastical dignity, shall be received in evidence in Court, and anywhere out of Court, in the same manner as the present letter itself would be received, if it were produced or exhibited.

Copies to be received in evidence.

"§ 29. **Let no one therefore** *infringe, or with audacious daring run counter to this writ* of Our excommunication, anathematization, interdict, confirmation, implication, declaration, protestation, abrogation, revocation, commission, mandate, and decree; or *if any one shall presume to make the attempt, let him know that he will incur the indignation of Almighty God, and of his Blessed Apostles Peter and Paul.*"

Decrees penalties.

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THE PRESENT VALIDITY OF THE BULL IN CŒNÂ DOMINI.

After exhibiting to the reader the Bull itself, the next question which arises, is as to its validity as a law now, at this time, in force in the Roman Catholic Church generally, and especially among the Roman Catholics in Ireland. The argument of Roman Catholics against the inferences obviously deducible from this Bull is, that it has become obsolete; to which the Irish Roman Catholic bishops add the further plea, that wherever else it may be in force, it is not so in Ireland, because there it is "not received."

The following documentary evidence, taken from undeniable Roman Catholic authorities, will enable the reader to judge what reliance is to be placed on such assertions.

1. THE VALIDITY OF THE BULL AS PART OF THE ROMAN LAW NOW IN FORCE, GENERALLY.

The Digest of the Roman Canon Law, by one of the first authorities on that subject in the Roman Church, the Canonist Reiffenstuel, treats at large of this point.

After giving a brief historical notice of the Bull, and reciting it at full length, Reiffenstuel thus describes its "peculiarities" and effects:—

"The excommunications of the Bull *Cœnæ* are peculiar in the "following respects:—

"1. That they are judgments pronounced.

"2. That they are most specially reserved to the Supreme Pontiff, "so that, except *in articulo mortis*, no regular, however great "his privileges may be, can absolve from them, nor any bishop, "unless he be furnished afresh with a special privilege.

"3. That against them, or rather *against the Bull* by which they "are inflicted, *no title or pretext of prescription, of custom, even "though immemorial*, OF NON-RECEPTION, of privilege, or of dignity, "*is of any avail; as is evident partly from the Bull itself*, partly from "what has been said before under *Tit.* VII., *De hæreticis*, where we "have proved at length that *against the Bull* CŒNÆ *any title of non-"reception, or of custom, or of prescription, &c., is of no avail.*"—*Reiffenstuel, Jus Canonicum Universum, Romæ*, 1831—1834, Vol. V. Lib. V. *Decretal.* Tit. xxxix. n. 130.

"The inference is, that there are indeed at this time many persons "who lie, as a matter of fact, under one of the excommunications "aforesaid; since it is manifest that many transgress one or other of "the points prohibited under pain of excommunication by the Bull "*Cœnæ*. Among whom, certainly, are such lay judges and officers "as in any way obstruct the ecclesiastical judges in the due prosecu-"tion of ecclesiastical causes, and the free exercise of their jurisdic-"tion. Furthermore, those also who have recourse to the lay power "against the ecclesiastical power, and the officers who assist them. "For such things, alas! we see constantly put in practice, notwith-

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"standing that they are prohibited under peremptory pain of excom-
"munication in the Bull CŒNÆ.

"Nor do they stand excused, because, although they be notorious
"offenders, they are for the most part not proceeded against before
"the external ecclesiastical tribunal, nor denounced or avoided as
"excommunicate persons; seeing *they are thereby not in the least*
"*relieved from being* still truly excommunicate before God and in
"their own conscience, and from being *liable to the before-recited*
"*effects of excommunication before the internal tribunal.*

"Much less do they stand excused, because by them and some
"others such excommunications are not cared for, but are made a
"mock of, and held in contempt; for a time will come when their
"laughter shall be turned to weeping and gnashing of teeth; besides
"which, sometimes even in this world already, they are, as experience
"shows, made in many and various ways to feel, apart from the ordi-
"nary effects of excommunication, the avenging hand of God, specially
"for such their contempt, *although the ecclesiastical judges may,*
"*either* TO AVOID GREATER EVILS, *or because no one accuses them,*
"*tolerate the excesses prohibited under pain of excommunication.*"—
Reiffenstuel, ibid. nn. 131, 132, 133.

In the place alluded to in the first extract, the same canonist argues the general question as to the possibility of the Bull becoming invalid through lapse of time, or for want of being duly published, as follows:—

"In conversation one sometimes hears men, and that (which is
"a pity!) even ecclesiastics, secular and regular, who venture to say
"that the Bull *Cœnæ* is not absolutely received, and is, therefore, in
"these parts [Germany] of no obligation. Which doctrine being not
"only *altogether unsound*, but also extremely prejudicial to the clerical
"estate and to the ecclesiastic immunity and jurisdiction, (whereof the
"Bull *Cœnæ* is *the chiefest and firmest, and almost only remaining*
"*pillar*), we have thought it useful and necessary expressly to refute it.

"To the objection before stated, ... the answer is, *absolutely*
"*to deny the whole supposition, that in any province or place whatsoever,*
"*it can rightfully happen for the Bull* CŒNÆ *not to be received;* con-
"sequently, also, to *deny that it is anywhere not received, in such*
"*manner as not to be in that place fully, and according to its entire*
"*and true meaning, obligatory upon all.*"—*Reiffenstuel, Jus. Canon. Univ.*, Vol. v. Lib. v. *Decretal.* Tit. vii., nn. 80, 81.

Having disposed of the plea of non-reception, the learned canonist next applies himself to the question whether the Bull might grow obsolete, and so lose its validity by lapse of time. He thus states the objector's plea:—

"Granting that there can be no just cause for not receiving the
"most holy Bull *Cœnæ* yet it might at least be abrogated by
"lapse of time, through the lawful prescription of a contrary practice
"and custom; seeing that every human law (such as the Bull *Cœnæ* is)
"may be abrogated by the lawful prescription of custom."

Having thus stated the objection, he proceeds to refute it:—

"Again the answer is, to *deny the supposition*, viz., *that any rea-*
"*sonable or lawful custom can be introduced, or operate in the way of*
"*lawful prescription, against the Bull* CŒNÆ;

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"In the first place, because *a custom against the liberty and immu-* "*nity of the Church, even though it be an immemorial custom, is at all* "*times invalid and inadmissible,* as we have proved at large from one "and the other [canon and civil] law; Lib. i. Tit. iv. *De Consuetud.*, "n. 61. But a *custom against the Bull* CŒNÆ *would be exceedingly* "*adverse to the liberty and immunity of the Church; forasmuch as it* "*is for this object chiefly that the Bull has been set forth, and as* IN "FACT IT IS THE FIRMEST AND ALMOST THE ONLY PILLAR OF "IT.

"In the next place, and chiefly, because *the oft-mentioned Bull* "CŒNÆ *constantly revokes and annuls all and singular customs,—* "*even though they be immemorial customs, and though their prescrip-* "*tion extend over ever so long a period of time,—and all conceivable* "*evasions of whatever kind,* by means of a most wholesome clause, "which deserves to be quoted at length, and which is to the following "effect:—

"'*Notwithstanding any privileges, indulgences, indults, and letters* "'*apostolic, general or special,* granted by the aforesaid See, to the "'persons aforesaid, or any of them, or to any others, of whatever "'rank, estate or condition, dignity or pre-eminence they might be, "'*even though they should,* as aforesaid, *be invested with Pontifical,* "'*Imperial, Regal, or any other ecclesiastical or worldly dignity;* or else "'to their kingdoms, provinces, cities, or places, for any cause what-"'ever, even though in the way of contract or recompense, and under "'whatever other form and tenor, and with any clauses whatsoever, "'even such clauses as should derogate the derogating clauses of this "'Bull; albeit they should be to the effect, that no excommunication, "'anathema, or interdict, by apostolic letters shall avail against them, "'except such letters make mention fully, expressly, and word for "'word, of such privileges and indults, and of their orders, places, "'proper names, surnames, and dignities; and *notwithstanding any* "'*customs, though immemorial, and prescriptions, of however long* "'*standing, and any other observances of whatever kind, written or* "'*unwritten,* by which they might relieve and protect themselves "'against this our process and judgments, to prevent their being "'included under them.'"—*Reiffenstuel,* l. c. nn. 89, 90. See also the Bull, § 24.

Even this, however, does not content the canonist; he sees another possible objection, which is this:—

"Thou wilt urge, that by this clause only antecedent customs are "renounced and annulled, that is, such as have gone before the Bull "*Cœnæ,* and that it does not affect subsequent customs, that is, such as "were newly introduced after the establishment of this Bull."—*Reiffenstuel,* n. 91.

This objection he meets, by reference to the character of perpetuity inherent in the Bull. At the time when Reiffenstuel wrote his Digest, this character of perpetuity was practically exhibited in the fact of its annual republication. But independently of such annual republication, the perpetual validity of the Bull is protected by a clause in the Bull itself, by which it is expressly provided, that the Bull in the form in which it is at any time published, shall remain in

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force until its republication by the same Pontiff, or by any one of his successors, in the same or a similar form. The clause in question is the following :—

"It being Our will, that this Our present process, and all and every "thing contained in this letter, *shall continue, and be in full force,* "*until another similar process be drawn up or issued, by Ourselves,* "*or by the Roman Pontiff for the time being.*"—See Bull, § 21.

And in another clause of the Bull it is provided, that no act, though it were the act of the Pope himself,—no, nor even his express absolution, granted to the parties concerned,—shall be of any avail contrary to its provisions, until the parties excommunicated and anathematized by it shall desist from doing any of the things therein prohibited, and make satisfaction to the Church in those matters in regard to which they have contravened it.

"We declare and protest . . . that such absolution, or whatever "contrary acts, tacit or express, and likewise *the patience and* "*toleration of Us, or Our successors, however long continued,* in all "and singular, and whatsoever things aforesaid, *can or shall in no* "*way operate to the prejudice of the rights of the Apostolic See and* "*the Holy Roman Church, whencesoever* and *whensoever* those rights "may be *derived* or *to be derived.*"—See Bull, § 23.

The whole argument is thus wound up by Reiffenstuel.

"Hence it manifestly appears, that all practices and customs [con- "trary to the Bull] which may exist as a matter of fact either in Germany, "or in any other provinces, *are by no means legitimate, lawful, and* "*valid customs,* but mere abuses and corruptions, which have not "the least effect in excusing from sin and from censure; *notwithstand-* "*ing that the Ordinaries of the places do not for the most part proceed* "*against the transgressors, nor declare them excommunicate; seeing* "*that although they may, as a matter of necessity, wink at such* "*violations of the Bull, even when they are open violations,* "*with a view to avert greater evils, or for other just causes, yet* "*they do not on that account approve them, but leave them to be* "*avenged by God; in whose sight, as no one is free from guilt, on* "*account of the empty pretext that the Bull has not been received, or* "*has been abrogated by custom, or on account of any similar futile* "*reasons, so will no one escape punishment, both here and hereafter.*" —*Reiffenstuel,* l. c., n. 92.

*** "Reiffenstuel's Digest of the Canon Law," was originally published with the express sanction of the authorities of the Roman Church, and the recent edition of it, from which the above quotations are taken, bears their *Reimprimatur*, under the date of November the 7th, 1831.

2. THE RECOGNITION OF THE BULL *CŒNÆ*, BY THE ROMAN CATHOLIC HIERARCHY IN IRELAND, AS PART OF THE ROMAN LAW NOW IN FORCE.

From the foregoing exposition of the principles of the Canon Law, bearing upon the validity of the Bull *Cœnæ*, and of the provisions for its perpetual obligation, contained in the Bull itself, it is evident, that no abandonment of the custom of publishing, and no refusal to receive, the Bull *Cœnæ*, can possibly affect the validity of that Bull, in any

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country where there is a hierarchy owning ecclesiastical allegiance to the Papacy. The practical question affecting the British empire does not, however, depend upon so extreme a case: there is abundant proof that the Bull is recognised by the Roman Catholic hierarchy in Ireland, and that its principles are incorporated with their system of doctrine and of diocesan government.

This fact is placed beyond doubt or controversy by reference to the standard works adopted by the Roman Catholic hierarchy in Ireland, both in their ecclesiastical seminaries and in their clerical conferences.

In the "List of the works recommended by the Professors of the Roman Catholic College of Maynooth for the perusal of the students, or referred to by them in the course of their lectures," appears under the head of "Canon Law" the very digest of Reiffenstuel, whose unanswerable demonstration of the universal and perpetual validity of the Bull *Cœnæ* has been given in the preceding section.—See *Eighth Report of the Commissioners of Irish Education Inquiry.* Appendix No. 67, p. 450.

That the principles set forth by Reiffenstuel, in reference to the validity of the Bull *Cœnæ* are practically adopted by the Roman Catholic hierarchy in Ireland, appears further from the compendium of "Moral Theology," by Peter Dens, which is proved by successive announcements in the Roman Catholic Directories for Ireland, to be the standard work and text-book in use at the diocesan Conferences of the Irish Roman Catholic priesthood. The first adoption of this work took place at a Meeting of the Roman Catholic bishops of Ireland at Dublin, on the 14th of September, 1808, when 3,000 copies of it were ordered to be printed. In the year 1832 another edition was printed, with a supplementary volume, containing an "Epitome of the Moral and Canonical Doctrine of Benedict XIV."

The sixth Volume of Dens' "Moral Theology," contains in the "Treatise on Reserved Cases," pp. 262 to 324, *numerous references to the different provisions of the Bull* CŒNÆ, which is there quoted, along with other documents of the Roman canon law, as *the authority for the various propositions of law, and directions to confessors, laid down by Dens.*

See pages 264, 271, 275, 297, 298, 299, 300, 302, 303, 305, 306, 307, 308, 309, 310, 311, 319, 320, 321, 323.

The eighth Volume of Dens, that is, the Epitome of the Moral and Canonical Doctrine of Benedict XIV., in like manner, contains *references to the Bull* CŒNÆ, *as a document of Roman law now in force,* under the following heads:—Excommunication, pp. 73, 74.—Heretics, pp. 82—84.—Jubilee, pp. 95—101.—Penitentiary, pp. 164, 165.

One of these references, bearing as it does upon the question, in what light princes and other public authorities excommunicated by the Bull, are regarded by the Roman law now in force, recognised, and inculcated in Ireland, it will not be inappropriate to give at full length. It occurs under the head "Heretics":—

"*Princes or State-governors* under the name of *lieutenants,* "*dominions* and republics, *and their rulers* or THOSE WHO USUALLY

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"RULE THEM, bishops and superior prelates, can, in *the cases of excom-*
"*munication on public grounds contained in the Bull* CŒNÆ DOMINI,
"on no account be absolved by the *Major Pœnitentiarius;*" that is, the Cardinal entrusted with the highest power of absolution, next to the Pope himself, to whom all such cases are reserved by the Bull *Cœnæ*. —*Dens Theol. Mor.*, vol. viii., p. 82.

The foregoing quotations leave no room for doubt that the Bull *Cœnæ Domini* is not only valid on general grounds, but expressly recognised by the hierarchy in Ireland. But the reader may be told, that these documents and facts are contradicted by the assertions of the Roman Catholics, and especially by the evidence upon oath given before Parliamentary Committees, by two Roman Catholic bishops.

In the examination of Dr. Doyle, before the Select Committee of the House of Lords, appointed to inquire into the state of Ireland, in the year 1825, the following questions and answers occur :—

"Is the Bull *In Cœnâ Domini* now in force?

"There are portions of that Bull that were in force from the time "of Christ; but the Bull, as a Bull, is not in force, nor ever was in force, "in Ireland, and has been rejected from nearly all the Christian coun-"tries of Europe; if that were in force, there is scarcely anything "would be at rest among the Catholic States of Europe, and they "have been as solemn and as earnest in protesting against it, as we "have been at any period in England or in Ireland.

"Was not the same Bull, namely, the Bull *In Cœnâ Domini*, "declared to be in force in the year 1793?

"Not only that, but it may, for aught I know, have been declared "during the last year to have been in force; but their declaring it to "be so in force, does not make it to be in force with us; we have "never received it, and surely never will."—*Minutes of Evidence*, April 21, 1825, pp. 311, 312.

And Dr. M'Hale, in his examination before the Commissioners of Education, in the year 1826, made the following statements, in answer to the questions put to him :—

"You will observe that, so late as the year 1741, there is a Bull "excommunicating all persons, without exception, or without any "limitation of time or place, who bring Roman Catholic ecclesiastics "before lay tribunals; can you explain how it is, that that does not "apply to the case that is put?

"With regard to Bulls of this sort, they are never binding upon "us, unless we receive and publish them; that Bull was probably "never published in this country, and therefore we have nothing to "do with its contents.

"Is there anything to prevent this Bull of 1741 being now received "in Ireland, or at any future time, supposing it has not been received "here already?

"There is the collision that would be supposed to result from the "reception of that Bull with the established authorities of the country. "This is an insurmountable objection."—*Appendix to Eighth Report*, Nov. 4, 1826, pp. 290, 291.

In order to reconcile evidence so positive with the undeniable facts proved from the acknowledged standards and text-books of the Roman

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Catholic hierarchy in Ireland, it is necessary to ascertain the precise value of the oaths upon the faith of which the evidence was given. The "Moral Theology" of Bailly, one of the class-books of Maynooth College, contains the following statements on the obligation of oaths :—

"There are many causes which prevent, or take away, the obliga-
"tion of an oath."—*Bailly, Theol. Mor.*, Ed. Lugd., 1818, tom. vii., p. 346. Ed. Dublin, 1829, tom. ii., p. 119.

"No obligation attaches to an oath touching a matter which is "prejudicial to a third party, or *against the public weal, or* the Divine, "*the ecclesiastic*, or the civil *law.*"—*Ibid.*, Ed. Lugd., 1818, tom. vii., p. 347. Ed. Dublin, 1829, tom. ii., p. 119.

"The third cause [which prevents the obligation of an oath] is *the* "*hindrance of a greater good*, inconsistent with the thing promised by "the oath. . . . For God wills not that to be observed which stands in "the way of a greater obedience to God. Nor can it be said in such a "case that God is made the witness of a falsehood ; for he who has sworn, "tacitly had this meaning underneath, *if it were more agreeable to* "*God, or, unless another course should appear to be expedient.*"—*Ibid.*

This is the principle: now for its application to the case in hand. A Roman Catholic bishop is called as a witness before a committee appointed by a "heretical" legislature, which has under its consideration the question whether or not it would be safe to admit Roman Catholics to political power. The Roman Catholic bishop knows the admission of Roman Catholics to political power to be the direct means of effecting what he considers to be a great public good, and conducive to the glory of God ; for, according to his faith, the very existence of a heretical Church and a heretical legislature is a great evil, and is directly contrary to the ecclesiastical law. The Roman Catholic bishop is aware that the admission of certain facts would stand in the way of the admission of the Roman Catholics to power. The Roman Catholic bishop, when called as a witness, is sworn to speak "the truth, the whole truth, and nothing but the truth," and is thereupon interrogated as to the facts.

The question arises, is the Roman Catholic bishop bound by the obligation of that oath ? or is that obligation "prevented and taken away" by the consideration that it is evidently more "expedient" to deny, than to admit, facts likely to stand in the way of an object, the attainment of which is, according to his, the bishop's, belief, directly conducive to the public weal, to the interest of the only true and saving Church, and therefore to the salvation of men and the glory of God ?

It is not necessary to impute to the Roman Catholic bishop wilful perjury ; according to the principles before stated, he may feel it his conscientious duty to deny facts which he knows to be true, and to do so upon oath.

If, therefore, it be urged that the documents and facts contained in the foregoing pages are inconsistent with the statements upon oath of the Roman Catholic bishops, it ought to be borne in mind, that, however inconsistent those statements may be with the facts of the case, the making those statements,—and that in their own view of the matter conscientiously,—is not inconsistent with the principles of their Church.

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RECAPITULATION AND CONCLUSION.

The reader has now before him—

1. A brief historical notice of the Bull *Cœnæ Domini.*

2. The Bull *Cœnæ* itself, translated from the latest copy of it, now in force.

3. The proofs of the validity of the Bull *Cœnæ*, generally, as an integral part of the body of Roman Law now in force.

4. The proofs of the recognition of the Bull *Cœnæ* as part of the Roman Law now in force, by the Roman Catholic Hierarchy in Ireland.

Whether it be possible for any covenant to subsist between a Church holding the principles of the Bull *In Cœnâ Domini* as fundamental principles of her Constitution, and a State accounted heretical by that Church, and excommunicated, with all its constituted authorities, spiritual and temporal, by that Bull?—whether loyalty to such a State be compatible with allegiance to such a Church?—whether the prevalence of sedition and outrage in Ireland, which has gone on increasing in proportion as the concessions made by the State have given political power to the members of that Church, and increased the influence of her priesthood, be justly attributable to the inculcation of the principles of the Bull *In Cœnâ Domini* into the minds of the priests, and through them of the population at large?—these are questions on which the intelligent and impartial reader will be at no loss to form his own judgment.

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